

AMENDED IN SENATE APRIL 21, 2015

SENATE BILL

No. 424

Introduced by Senator Pan

February 25, 2015

An act to ~~amend Section 633 of~~ *add Section 633.02 to* the Penal Code, relating to law enforcement.

LEGISLATIVE COUNSEL'S DIGEST

SB 424, as amended, Pan. Law enforcement: communications.

Existing law establishes various prohibitions against eavesdropping and recording or intercepting certain communications. A violation of these prohibitions is a crime. Existing law provides that specified law enforcement officers are not prohibited by those provisions from overhearing or recording any communication that they could lawfully overhear or record prior to the January 1, 1968, effective date of those prohibitions.

This bill would ~~include~~ *similarly provide that the provisions prohibiting eavesdropping and recording or intercepting certain communications do not prohibit* any POST-certified chief of police, assistant chief of police, or police officer of a university or college campus ~~in the list of law enforcement officers to whom the prohibitions described above do not apply.~~ *acting within the scope of his or her authority, from overhearing or recording any communication that he or she could lawfully overhear or record prior to January 1, 1968, in any criminal investigation related to sexual assault or other sexual offense. The bill would also provide that those provisions also shall not prohibit those officers from using or operating body-worn cameras. The bill would also state that these provisions shall not be used to impinge upon the lawful exercise of constitutionally protected rights of*

freedom of speech or assembly, or the constitutionally protected right of personal privacy.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 *SECTION 1. Section 633.02 is added to the Penal Code, to*
2 *read:*

3 633.02. (a) *Nothing in Section 631, 632, 632.5, 632.6, or 632.7*
4 *prohibits any POST-certified chief of police, assistant chief of*
5 *police, or police officer of a university or college campus acting*
6 *within the scope of his or her authority, from overhearing or*
7 *recording any communication that he or she could lawfully*
8 *overhear or record prior to January 1, 1968, in any criminal*
9 *investigation related to sexual assault or other sexual offense.*

10 (b) *Nothing in Section 631, 632, 632.5, 632.6, or 632.7 shall*
11 *prohibit any POST-certified chief of police, assistant chief of*
12 *police, or police officer of a university or college campus from*
13 *using or operating body-worn cameras.*

14 (c) *This section shall not be construed to affect Section 633.*

15 (d) *This section shall not be used to impinge upon the lawful*
16 *exercise of constitutionally protected rights of freedom of speech*
17 *or assembly, or the constitutionally protected right of personal*
18 *privacy.*

19 ~~SECTION 1. Section 633 of the Penal Code is amended to~~
20 ~~read:~~

21 ~~633. (a) Nothing in Section 631, 632, 632.5, 632.6, or 632.7~~
22 ~~prohibits the Attorney General, any district attorney, or any~~
23 ~~assistant, deputy, or investigator of the Attorney General or any~~
24 ~~district attorney, any officer of the California Highway Patrol, any~~
25 ~~chief of police, assistant chief of police, or police officer of a city~~
26 ~~or city and county, any sheriff, undersheriff, or deputy sheriff~~
27 ~~regularly employed and paid in that capacity by a county, police~~
28 ~~officer of the County of Los Angeles, any POST-certified chief of~~
29 ~~police, assistant chief of police, or police officer of a university or~~
30 ~~college campus, or any person acting pursuant to the direction of~~
31 ~~one of these law enforcement officers acting within the scope of~~
32 ~~his or her authority, from overhearing or recording any~~

1 ~~communication that they could lawfully overhear or record prior~~
2 ~~to January 1, 1968.~~
3 ~~(b) Nothing in Section 631, 632, 632.5, 632.6, or 632.7 renders~~
4 ~~inadmissible any evidence obtained by the persons specified in~~
5 ~~subdivision (a) by means of overhearing or recording any~~
6 ~~communication that they could lawfully overhear or record prior~~
7 ~~to January 1, 1968.~~

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